

**DOC # 0215510**

09/30/2010

01:19 PM

**Official Record**

Recording requested By  
KAREN A PETERSON ESQ

**Eureka County - NV**

**Mike Rebaleati - Recorder**

Fee **\$19.00**

Page 1 of 6

RPTT

Recorded By FES

Book- 504 Page- 0127



0215510

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

KAREN A. PETERSON, ESQ.  
ALLISON, MacKENZIE, PAVLAKIS,  
WRIGHT & FAGAN, LTD.  
402 North Division Street  
P.O. Box 646  
Carson City, NV 89702

**SPACE ABOVE THIS LINE RESERVED FOR  
RECORDER'S USE**

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does contain the social security number of a person or persons as required by NRS 239B.030(2).

Signature

**RELEASE OF LIS PENDENS**

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\_\_\_\_\_

SEP 23 2010

Eureka County Clerk  
By *Blannan Carls* Deputy

1 Case No. CV 1006-141

2 Dept. No. II

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7 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF EUREKA

9  
10 EUREKA COUNTY, a political  
11 subdivision of the state of Nevada,

12 Plaintiff,

13 vs.

**RELEASE OF LIS PENDENS**

14 EUREKA WATER ASSOCIATION,  
15 INC., a revoked Nevada corporation,  
16 All persons unknown claiming any  
17 right, title, estate, lien, or interest in  
18 the real property described in the  
19 complaint adverse to EUREKA  
20 COUNTY's ownership, or any cloud  
21 upon EUREKA COUNTY's title  
22 thereto; and DOES I through XX,  
23 inclusive,

24 Defendants.

25 The undersigned, attorneys of record for EUREKA COUNTY, a political subdivision of the  
26 state of Nevada, Plaintiff in that certain action commenced in the Seventh Judicial District Court  
27 of the State of Nevada, in and for the County of Eureka, Case No. CV 1006-141, Dept. No. II,  
28 hereby releases, terminates and forever discharges the Lis Pendens recorded June 4, 2010, as  
Document No. 0215019, Official Records of Eureka County, Nevada, relating to the real property  
water rights used for municipal and domestic purposes described as follows:

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0215510 Book: 504 09/30/2010  
Page 128 Page 2 of 6

ALLISON, MacKENZIE, PAVLAKIS, WRIGHT & FAGAN, LTD.  
402 North Division Street, P. O. Box 646, Carson City, NV 89702  
Telephone: (775) 687-0202 Fax: (775) 882-7918  
E-Mail Address: law@allisonmackenzie.com

RECEIVED  
SEP 23 2010  
Eureka County  
Clerk & Treasurer

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- a. Nevada State Engineer's Certificate No. 9889 (Permit No. 26542) providing for a diversion rate of 0.14 cubic feet per second from an underground well commonly referred to as the Spring Street Well, the point of diversion being SW 1/4 SW 1/4 Section 13, T.19N., R.53E., M.D.B.& M., or at a point from which the West 1/4 corner of Section 24, T.19N., R.53E., bears S. 17° 50' W., a distance of 3060 feet situated in Eureka County, State of Nevada;
- b. Nevada State Engineer's Certificate No. 9890 (Permit No. 26543) providing for a diversion rate of 0.05 cubic feet per second from an underground well commonly referred to as Well #3, the point of diversion being SW1/4 NW1/4 Section 24, T.19N., R.53E., M.D.B.&M., or at a point from which the W 1/16 corner of Section 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 20° 34' E., a distance of 1746.30 feet situated in Eureka County, State of Nevada;
- c. Nevada State Engineer's Certificate No. 9891 (Permit No. 26544) providing for a diversion rate of 0.07 cubic feet per second from an underground well commonly referred to as Well #1, the point of diversion being SW1/4 NE1/4 Section 25, T.19N., R. 53E., M.D.B.&M., or at a point from which the W 1/16 corner of Section 13 and 24, T.19N., R.53E., M.D.B.&M., bears N. 16° 20' W., a distance of 7397 feet situated in Eureka County, State of Nevada;
- d. Nevada State Engineer's Certificate No. 9685 (Permit No. 29603) providing for a diversion rate of 0.089 cubic feet per second but not to exceed 21.02 million gallons annually from an underground well, the point of diversion being NW1/4 SE1/4 Section 25, T.19N., R.53E., M.D.B.&M., or at a point from which the S1/4 corner of said Section 25 bears S. 32° 12' W., a distance of 2135.54 feet situated in Eureka County, State of Nevada;
- e. Nevada State Engineer's Certificate No. 12927 (Permit No. 40156) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Richmond Spring, the point of diversion being in the NW1/4 SW1/4 Section 19, T.19N., R.54 E., M.D.B.&M. or at a point from which the W1/16 corner common to Sections 13 and 24, T.19N., R.53 E., M.D.B.&M. bears N. 51° 41' W. a distance of 5,383.08 feet situated in Eureka County, State of Nevada;
- f. Nevada State Engineer's Certificate No. 12928 (Permit No. 40157) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Bullwacker Spring, the point of diversion being in the SW1/4 SW1/4 Section 19, T.19N., R.54E., M.D.B.&M. or at a point from which the W1/16 corner common to Sections 13 and 24, T.19N., R.53E., M.D.B.&M. bears N. 46°53' W. a distance of 5,844.21 feet situated in Eureka County, State of Nevada;
- g. Nevada State Engineer's Certificate No. 12929 (Permit No. 40158) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Gorman Spring, the point of diversion being in the NE1/4 SW1/4 Section 25, T.19N., R.53E., M.D.B.&M. or at a point from which the SE corner of said

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Section 25 bears S. 53°54' E. a distance of 4,432.47 feet situated in Eureka County, State of Nevada;

- h. Nevada State Engineer's Certificate No. 12930 (Permit No. 40159) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Florio Spring and its tributaries, the point of diversion being in the NE1/4 SE1/4 Section 25, T.19N., R.53E., M.D.B.&M. or at a point from which the SE corner of said Section 25 bears S.26° 12' E. a distance of 2,291.88 feet situated in Eureka County, State of Nevada;
- i. Nevada State Engineer's Certificate No. 12931 (Permit No. 40160) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Fred Spring, the point of diversion being in the NW1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M. or at a point from which the SW corner of said Section 30 bears S. 08° 35' W. a distance of 1,483.01 feet situated in Eureka County, State of Nevada;
- j. Nevada State Engineer's Certificate No. 12932 (Permit No. 40161) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Lani Spring, the point of diversion being in the SW1/4 SW1/4 Section 30, T.19N., R.54E., M.D.B.&M. or at a point from which the SW corner of said Section 30 bears S. 31°23' W. a distance of 1,566.12 feet situated in Eureka County, State of Nevada;
- k. Nevada State Engineer's Certificate No. 12933 (Permit No. 40162) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Middle Spring and its tributaries, the point of diversion being in the SE1/4 NE1/4 Section 36, T.19N., R.53E., M.D.B.&M. or at a point from which the NE corner of said Section 36 bears N. 05° 09'E. a distance of 2,072.08 feet situated in Eureka County, State of Nevada;
- l. Nevada State Engineer's Certificate No. 12934 (Permit No. 40163) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Summit Spring, the point of diversion being NE1/4 NE1/4 Section 1, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 05° 46' E. a distance of 5,680.66 feet situated in Eureka County, State of Nevada;
- m. Nevada State Engineer's Certificate No. 12935 (Permit No. 40164) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Lucky Springs and its tributaries, the point of diversion being in the NE1/4 SE1/4 Section 1, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 04° 12' E. a distance of 8,487.23 feet situated in Eureka County, State of Nevada;
- n. Nevada State Engineer's Certificate No. 12936 (Permit No. 40165) providing for a diversion rate of 0.111 cubic feet per second but not to exceed 26.18 million gallons annually from Prospect Springs, the



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- point of diversion being in the NE1/4 NE1/4 Section 12, T.18N., R.53E., M.D.B.&M. (unsurveyed) or at a point from which the NE corner of Section 36, T.19N., R.53E., M.D.B.&M. bears N. 07° 04' E. a distance of 11,975.48 feet situated in Eureka County, State of Nevada;
- o. Nevada State Engineer's Vested Right No. V04501 providing for a diversion rate of 0.111 cubic feet per second from Gorman Spring, the point of diversion being NE1/4SW1/4 Sec. 25, T.19N., R.53E., M.D.M. or at a point from which the SE corner of said Sec. 25 bears S.53°54'E. a distance of 4432.47 feet;
  - p. Nevada State Engineer's Vested Right No. V04502 providing for a diversion rate of 0.111 cubic feet per second from Prospect Springs, the point of diversion being NE1/4NE1/4 Sec. 12, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M., bears N. 7°04'E. a distance of 11,975.48 feet;
  - q. Nevada State Engineer's Vested Right No. V04503 providing for a diversion rate of 0.111 cubic feet per second from Lucky Springs and its tributaries, the point of diversion being NE1/4SE1/4 Sec.1, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M. bears N.4°12'E. a distance of 8487.23 feet;
  - r. Nevada State Engineer's Vested Right No. V04504 providing for a diversion rate of 0.111 cubic feet per second from Summit Spring, the point of diversion being NE1/4NE1/4 Sec.1, T.18N., R.53E., M.D.M. (unsurveyed) or at a point from which the NE corner of Sec. 36, T.19N., R.53E., M.D.M. bears N. 5°46'E. a distance of 5680.66 feet;
  - s. Nevada State Engineer's Vested Right No. V04505 providing for a diversion rate of 0.111 cubic feet per second from Middle Spring the point of diversion being SE1/4NE1/4 Sec. 36, T.19N., R.53E., M.D.M. or at a point from which the NE corner of said Sec. 36 bears N. 5°09' E. a distance of 2072.08 feet;
  - t. Nevada State Engineer's Vested Right No. V04506 providing for a diversion rate of 0.111 cubic feet per second from Lani Spring, the point of diversion being SW1/4SW1/4 Sec. 30, T.19N., R.54E., M.D.M. or at a point from which the SW corner of said Sec. 30 bears S.31°23'W a distance of 1566.12 feet;
  - u. Nevada State Engineer's Vested Right No. V04507 providing for a diversion rate of 0.111 cubic feet per second from Fred Spring, the point of diversion being NW1/4SW1/4 Sec. 30, T.19N., R.54E., M.D.M. or at a point from which the SW corner of said Sec. 30 bears S.8°35' W. a distance of 1483.01 feet;
  - v. Nevada State Engineer's Vested Right No. V04508 providing for a diversion rate of 0.111 cubic feet per second from Florio Spring and its tributaries, the point of diversion being NE1/4SE1/4 Sec. 25,



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T.19N., R.53E., M.D.M. or at a point from which the SE corner of said Sec. 25 bears S 26°12'E, a distance of 2291.88 feet;

w. Nevada State Engineer's Vested Right No. V04509 providing for a diversion rate of 0.111 cubic feet per second from Bullwacker Spring, the point of diversion being SW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Section 13-24, T.19N., R.53E., M.D.M. bears N. 46°53'W. a distance of 5844.21 feet; and,

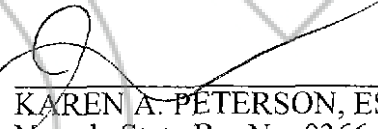
x. Nevada State Engineer's Vested Right No. V04510 providing for a diversion rate of 0.111 cubic feet per second from Richmond Spring, the point of diversion being NW1/4SW1/4 Sec. 19, T.19N., R.54E., M.D.M. or at a point from which the W 1/16 corner Sec. 13-24 T.19N., R.53E., M.D.M. bears N 51°41'W a distance of 5383.08 feet.

The place of use of all the above described water rights is located in the SE1/4 NE1/4, SE1/4 Section 14; SE1/4 NE1/4, N1/2 NE1/4, Section 23; SW1/4 NW1/4, W1/2 SW1/4, Section 13; W1/2 NW1/4, Section 24, T.19N., R.53E., M.D.B.&M.

DATED this 21<sup>st</sup> day of September, 2010.

ALLISON, MacKENZIE, PAVLAKIS,  
WRIGHT & FAGAN, LTD.  
402 North Division Street  
Carson City, NV 89703

By:

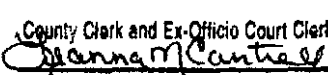
  
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Nevada State Bar No. 0366  
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Nevada State Bar No. 9620

Attorneys for Plaintiff,  
EUREKA COUNTY

-and-

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Nevada State Bar No. 5222  
EUREKA COUNTY DISTRICT ATTORNEY  
701 South Main Street  
Post Office Box 190  
Eureka, Nevada 89316

Attorney for EUREKA COUNTY

SEVENTH JUDICIAL DISTRICT COURT,  
IN AND FOR COUNTY OF EUREKA,  
STATE OF NEVADA } SS  
I, the Undersigned COUNTY CLERK and Ex-Officio  
CLERK of the SEVENTH JUDICIAL DISTRICT COURT do hereby CERTIFY  
that the foregoing is a full, true and correct copy of the original on file in  
my office and that I have carefully compared the same with the  
original.  
WITNESS, My Hand and Seal of said  
DISTRICT COURT, this 23<sup>rd</sup> day of September 20 10 5  
County Clerk and Ex-Officio Court Clerk  
 Deputy Clerk

09/30/2010 Page 6 of 6  
Book 504 Page 132  
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